FCC Form 302-FM
Radio Station KHSB-FM,
Channel 284A, Kingsland, Texas,
FCC Facility ID No. 181260
Application for a License to Cover
Construction Permit BPH-20190322AB
June 2022
Exhibit 2

STATEMENT RE COMPLIANCE WITH LIGHTING AND MARKING REQUIREMENTS

1. This is Exhibit 2 to the application (the *Application*) of Munbilla Broadcasting Properties, Ltd. (*MBPL*), for a License to cover Construction Permit BPH-20190322AB (the *CP*).[1]

2. The CP incorporates by reference the provisions of Antenna Structure Registration No. 1312267 (the *ASR*). The ASR covers the tower (the *Tower*) that supports what will become, upon the grant of this Application, the licensed main antenna of Radio Station KHSB-FM, Channel 284A, Kingsland, Texas, FCC Facility ID No. 181260 (the *Station*). The owner and registrant of the Tower is Munbilla Tower-Llano, Ltd. (*MTLL*), MBPL's sister entity.[2]

3. The ASR is based on the Determination of No Hazard to Air Navigation, Airspace Study No. 2018-ASW-1136-OE, issued by the Federal Aviation Administration with respect to the then-proposed Tower by the Federal Aviation Administration on April 4, 2018 (the *Determination*). Both the Determination and the ASR require that the Tower be marked and lit in accordance with Chapters 3, 4, 5, and 12 of FAA Advisory Circular No. 70/7460-1L (the *Advisory Circular*). The Tower's marking and lighting must conform to the elevation-view drawing labelled A3 in Figure A-6 to the Advisory Circular.[3]

4. Therefore, the Tower must be painted with alternating bands of Aviation-Red and Aviation-White paint. There must be four (4) bands painted using Aviation-Red, and three (3) bands painted using Aviation-White. The bands must have equal vertical dimensions. So, each band must span approximately 32 meters in the vertical plane.

5. The Determination also requires the installation of at least one L-864 Flashing Red Beacons at the top of the Tower, mounted in a manner to ensure an unobstructed view of one or more lights by a pilot. At each of two intermediate levels, as shown in the drawing labelled A3 in Figure A-6 to the Advisory Circular, the Determination further requires the installation of at

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[1] For the staff's convenient reference, a copy of the CP forms Annex A to Exhibit 1.

[2] MBPL and MTLL are under common control.

[3] For the staff's convenient reference, a copy of Figure A-6 of Appendix A to the Advisory Circular forms Annex A to this Exhibit 2.

least two L-864 Flashing Red Beacons. These intermediate-level beacons must be mounted outside the Tower, and at diagonally opposite positions. The first set of intermediate-level beacons must be installed at the junction of the second Aviation-Red band and the second Aviation-White band, referenced to ground. The second set of intermediate-level beacons must be installed at the junction of the third Aviation-White band and the fourth Aviation-Red band, again referenced to ground level.

6. MTLL contracted with Bell Tower Corporation (*Bell*), of Chelsea, Oklahoma, <http://www.belltowercorp.com>, to design and to construct the Tower, and with Green County Tower Service LLC (*Green County*), of Owasso, Oklahoma, to erect the Tower. Among the factors that strongly influenced MTLL to select Bell for the project was Bell's several decades of experience in the tower business. The following were the understandings of Mark D. Pippin, MBPL's and MTLL's Field Engineer and Operations Manager, and thus of MBPL and MTLL themselves:

- that Bell had 50 years' experience in the tower business;
- that Cory M. Turner (*Mr. Turner*) of Green County, the Tower's construction manager, had been erecting towers for approximately ten (10) years;
- that Aaron Adams, the engineer whom Bell had assigned to the Tower project, had been working on such projects for approximately twenty (20) years;
- that, therefore, Bell's personnel were well versed on all aspects of tower construction, including regulatory compliance; and
- that Green County's personnel were experienced, both in the erection of towers, as well as in the installation of ancillary items such as obstruction-lighting systems.

7. Construction of the Tower began on September 16, 2021. The same day, Erik Swanson, MTLL's and MBPL's Consulting Engineer, filed a first FAA Form 7460-2 to inform the FAA of the onset of construction.

8. On September 23, 2021, the Tower reached a height of 61 meters above ground level (*AGL*). On that date, the Green County tower crew installed temporary lighting in an attempt to satisfy the requirements of § 17.21 of the Commission's Rules.

9. The temporary lighting comprised three (3) Traffic Safety Warehouse *Airport Solar Barricade Lights*, Item No. 562-1, <https://bit.ly/3xk8AkH>, grouped as a cluster, and installed at the top of the tower. The temporary lights remained in place and in operation until after the completion of Tower construction and the installation of permanent tower obstruction lights. As discussed further in Paras. 18 et seq., below, the installation and operation of the three Airport

Solar Barricade Lights was a good-faith attempt to comply with the requirements of the FAA and of the Commission.

10. On October 15, 2021, MBPL's and MTLL's Communications Counsel, John Joseph McVeigh, Esq., and Mr. Swanson, their Consulting Engineer, received communications from the FCC Operations Center informing them that the Center had received a complaint regarding the Tower. The complaint alleged that the Tower was in the process of being erected and was unlit. Messrs, McVeigh and Swanson consulted with Mr. Pippin, and determined that permanent lighting had not yet been installed on the Tower. Messrs. McVeigh and Swanson each responded to the Operations Center's enquiry.

11. On October 18, 2021, the Tower reached its maximum authorized height, 228.6 meters AGL). On the same day, Mr. Swanson filed a second FAA Form 7460-2 to report that fact.

12. By October 22, 202, the Tower's permanent obstruction lights had been installed. They were installed as per tower diagram A-3 shown in Annex A hereto.[4] However, by that date, only the top beacon and the upper-level intermediate beacons could be connected to the electrical supply. Therefore, the top beacon and the upper-level intermediate lights were operational as of that date. On that date, Mr. Pippin filed an FAA Notice to Airmen (*NOTAM*) to report the fact that the lower level of intermediate lighting was not operational.

13. Bell painted all Tower segments at the factory with Aviation-Red and Aviation-White paint. The assembled Tower's painted bands conform to the requirements of elevational drawing A3 in Figure A-6 of the Advisory Circular.

14. On November 17, 2021, Mr. Pippin advised Messrs. McVeigh and Swanson that, as of 6 P.M. Central Standard Time on November 15, the permanent obstruction-lighting system on the Tower was in full operation.

15. On February 22, 2022, Mr. Pippin learned that one mid-level set of flashing obstruction lights was dark. The problem proved to be intermittent, and related to a circuit breaker that would periodically trip. Mr. Pippin filed a NOTAM with the FAA, NOTAM No. BMK02/004, which was extended by NOTAM BMQ03/010. Mr. Pippin also arranged for an electrician to visit the site and to diagnose the problem.

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[4] The permanent lighting system comprises five type FAA L-864 incandescent flashing red beacons controlled by a Specialty Tower Lighting, Ltd. Controller, Part Number RL-5SSB. One lamp functions as the top beacon; two lamps function as the upper intermediate-level beacons; and two lamps function as the lower intermediate-level beacons.

16. The electrician isolated the cause of the problem to wiring in conduit in the equipment shelter at the base of the Tower. On March 10, 2022, repairs to the wiring were made, and Mr. Pippin cancelled NOTAM BMQ03/010. Since that time, the lighting circuits have performed without incident.

17. Sections 17.47(a) and 73.1820(a)(1)(i) of the Commission's Rules require monitoring and logging of the Tower's obstruction lighting system's performance on a daily basis. MBPL and MTLL are currently conducting such observation and logging visually and manually. Equipment is on order to allow for automatic monitoring and daily logging of the Tower's obstruction lighting system's performance.

18. Para. 10, above, notes that, on October 15, 2021, the FCC Operations Center informed MBPL's and MTLL's Communications Counsel and their Consulting Engineer that the Center had received a complaint regarding the Tower. A complainant had alleged that the Tower was in the process of being erected and was unlit.

19. In fact, as Paras. 8 and 9, above, recite, once the Tower reached a height of 61 meters AGL, the Tower was lit: with three (3) Traffic Safety Warehouse *Airport Solar Barricade Lights*, in a good-faith attempt to comply with the applicable FAA and FCC requirements.

20. Upon reviewing the specifics, MBPL and MTLL have concluded that the Traffic Safety Warehouse lights that Mr. Turner had selected, and that Green County's tower crew had installed, were not adequate to the task of temporarily lighting the tower.

21. Specifically, Section 3.4.1.5 of FAA Advisory Circular 150/5345-43G, *Specification For Obstruction Lighting Equipment*, states that an L-864 beacon must achieve a peak effective intensity of between 1,500 candelas and 2,500 candelas, and must have a minimum effective intensity of 750 candelas throughout a minimum vertical beam spread of 3 degrees. By contrast, Traffic Safety Warehouse's *Airport Solar Barricade Lights*, Item No. 562-1, each have a rated light output of only 4.5 candelas. <https://bit.ly/3xk8AkH>. Thus, the light output of the *Airport Solar Barricade Lights* was but a small fraction of the output required for rules-compliant tower lighting, whether temporary or permanent. This shortfall, in all likelihood, explains why a complainant thought that the Tower was unlit.

22. Until recently, both MBPL and MTLL , as well as Mr. Pippin, were unaware of the shortfall in light output from the *Airport Solar Barricade Lights*. Had MBPL, MTLL, and Mr. Pippin been aware of that shortfall, MBPL and MTLL would have insisted on the installation and activation of L-864 obstruction lighting as soon as temporary lighting became necessary.

23. Annex B hereto is the First Declaration executed by Mr. Pippin, in which he attests to the accuracy of the foregoing.

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Exhibit 2, Annex A

ANNEX A

FIGURE A-6 TO APPENDIX A TO FAA CIRCULAR AC 70/7460-1L

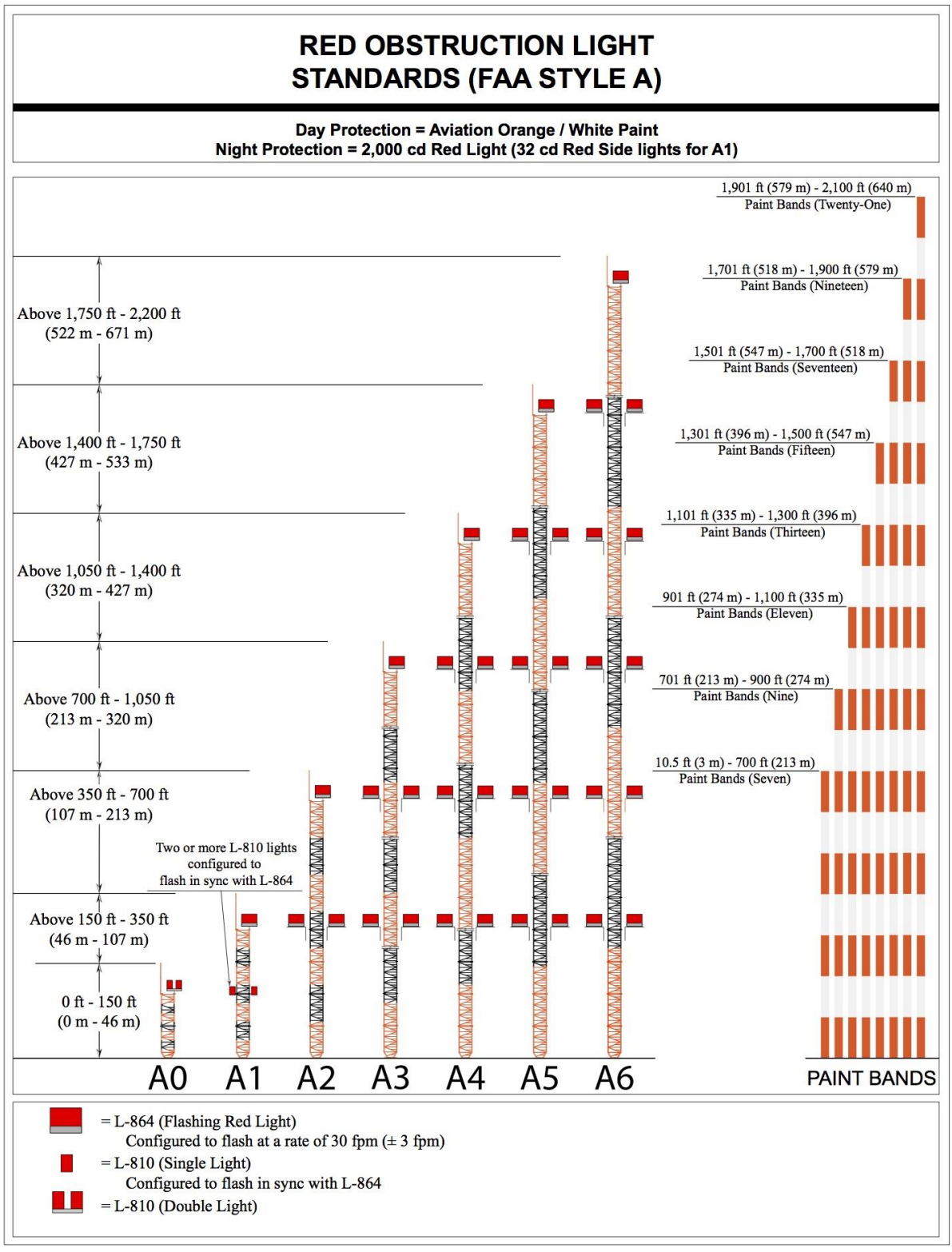

Figure A-6. Red Obstruction Light Standards

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Annex B

First Declaration of Mark D. Pippin

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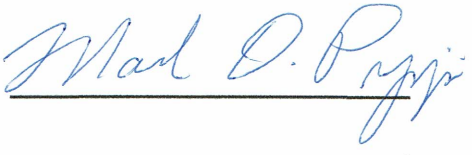
FIRST DECLARATION OF MARK D. PIPPIN

I, Mark D. Pippin, hereby affirm, under penalty of perjury, that I have reviewed the foregoing *Statement Re Compliance With Lighting and Marking Requirements*, and that it is true, correct, and complete, in all material respects, to the best of my personal knowledge, understanding, and belief.

MARK D. PIPPIN



DATE: JUNE 2, 2022